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AMENDED IN ASSEMBLY MARCH 20, 1997  
AMENDED IN ASSEMBLY MARCH 17, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 78**

**Introduced by Assembly Member Granlund**

December 18, 1996

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An act to amend Sections 12020, 12021, 12026.2, ~~12201~~ 12076, 12092, 12094, 12201, 12316, and 12322 of the Penal Code, *and to amend Section 8103 of the Welfare and Institutions Code*, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 78, as amended, Granlund. Firearms: transporting exemption.

(1) Existing law provides exemptions from the prohibition against the manufacture, import, sale, giving, lending, or possession of specified weapons and firearms. Existing law also provides exemptions for the possession of handgun ammunition.

This bill would add to these exemptions all of the following:

(a) The circumstance where any of these weapons, firearms other than a short-barreled rifle or short-barreled shotgun, or ammunition is found and possessed by a person who is not in a specified prohibited class and is transporting the weapon, firearm, or device to a law enforcement agency for disposition according to law.

(b) The possession of any weapon, device, or ammunition by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(c) A dirk or dagger that is carried in a backpack, tool belt, tackle box, briefcase, purse, or similar container that is used to carry or transport possessions.

(2) Under existing law, one of the weapons subject to the prohibition described in (1) above is a dirk or dagger that is carried concealed upon the person. For purposes of this prohibition, a dirk or dagger is defined as a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death.

This bill would specify that a nonlocking folding knife, a folding knife that is not a switchblade knife having a blade 2 or more inches in length, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(3) Under existing law, any person who is subject to the prohibition on owning, possessing, or having a firearm under his or her custody or control because of specified misdemeanor convictions prior to January 1, 1991, may petition the court only once for relief from the prohibition.

This bill would instead permit any person who is subject to the prohibition because of a conviction of an offense prior to the offense being added to the specified offenses that are subject to the prohibition, to petition the court only once for relief from the prohibition.

*(4) The prohibition described in (3) above additionally includes persons who have specified felony convictions or are found to be mentally incompetent. Every person subject to this prohibition is likewise prohibited from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition.*

*This bill would specify conditions that justify a violation of this prohibition against owning or possessing, or having custody or control of, ammunition or reloaded ammunition.*



(5) Existing law makes it a misdemeanor for any person with knowledge of any change, alteration, or obliteration to buy, receive, dispose of, sell, or possess any pistol, revolver, or other firearm with changed, altered, or obliterated identification marks.

This bill would exempt from this provision persons in specified classes, including certain on duty peace officers and persons transporting a firearm to a law enforcement agency for disposition, as specified.

(6) Under existing law, any person who, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, and is taken into custody in an evaluation facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation, is prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of 5 years after release from the facility. Existing law also applies this prohibition if the person detained pursuant to this provision is certified for not more than 14 days of intensive treatment related to the mental disorder or impairment by chronic alcoholism.

This bill would repeal this prohibition as it applies to a person who is detained for treatment and evaluation for a period not to exceed 72 hours. The bill also would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12020 of the Penal Code is  
2 amended to read:

3 12020. (a) Any person in this state who manufactures  
4 or causes to be manufactured, imports into the state,  
5 keeps for sale, or offers or exposes for sale, or who gives,  
6 lends, or possesses any cane gun or wallet gun, any  
7 undetectable firearm, any firearm which is not  
8 immediately recognizable as a firearm, any camouflaging  
9 firearm container, any ammunition which contains or  
10 consists of any fléchette dart, any bullet containing or

1 carrying an explosive agent, any ballistic knife, any  
2 multiburst trigger activator, any nunchaku, any  
3 short-barreled shotgun, any short-barreled rifle, any  
4 metal knuckles, any belt buckle knife, any leaded cane,  
5 any zip gun, any shuriken, any unconventional pistol, any  
6 lipstick case knife, any cane sword, any shobi-zue, any air  
7 gauge knife, any writing pen knife, or any instrument or  
8 weapon of the kind commonly known as a blackjack,  
9 slungshot, billy, sandclub, sap, or sandbag, or who carries  
10 concealed upon his or her person any explosive substance,  
11 other than fixed ammunition, or who carries concealed  
12 upon his or her person any dirk or dagger is punishable  
13 by imprisonment in a county jail not exceeding one year  
14 or in the state prison. A bullet containing or carrying an  
15 explosive agent is not a destructive device as that term is  
16 used in Section 12301.

17 (b) Subdivision (a) does not apply to any of the  
18 following:

19 (1) The sale to, purchase by, or possession of  
20 short-barreled shotguns or short-barreled rifles by police  
21 departments, sheriffs' offices, marshals' offices, the  
22 California Highway Patrol, the Department of Justice, or  
23 the military or naval forces of this state or of the United  
24 States for use in the discharge of their official duties or the  
25 possession of short-barreled shotguns and short-barreled  
26 rifles by regular, salaried, full-time members of a police  
27 department, sheriff's office, marshal's office, the  
28 California Highway Patrol, or the Department of Justice  
29 when on duty and the use is authorized by the agency and  
30 is within the course and scope of their duties.

31 (2) The manufacture, possession, transportation or  
32 sale of short-barreled shotguns or short-barreled rifles  
33 when authorized by the Department of Justice pursuant  
34 to Article 6 (commencing with Section 12095) of this  
35 chapter and not in violation of federal law.

36 (3) The possession of a nunchaku on the premises of a  
37 school which holds a regulatory or business license and  
38 teaches the arts of self-defense.

1 (4) The manufacture of a nunchaku for sale to, or the  
2 sale of a nunchaku to, a school which holds a regulatory  
3 or business license and teaches the arts of self-defense.

4 (5) Any antique firearm. For purposes of this section,  
5 “antique firearm” means any firearm not designed or  
6 redesigned for using rimfire or conventional center fire  
7 ignition with fixed ammunition and manufactured in or  
8 before 1898 (including any matchlock, flintlock,  
9 percussion cap, or similar type of ignition system or  
10 replica thereof, whether actually manufactured before or  
11 after the year 1898) and also any firearm using fixed  
12 ammunition manufactured in or before 1898, for which  
13 ammunition is no longer manufactured in the United  
14 States and is not readily available in the ordinary channels  
15 of commercial trade.

16 (6) Tracer ammunition manufactured for use in  
17 shotguns.

18 (7) Any firearm or ammunition which is a curio or relic  
19 as defined in Section 178.11 of Title 27 of the Code of  
20 Federal Regulations and which is in the possession of a  
21 person permitted to possess the items pursuant to  
22 Chapter 44 (commencing with Section 921) of Title 18 of  
23 the United States Code and the regulations issued  
24 pursuant thereto. Any person prohibited by Section  
25 12021, 12021.1, or 12101 of this code or Section 8100 or 8103  
26 of the Welfare and Institutions Code from possessing  
27 firearms or ammunition who obtains title to these items  
28 by bequest or intestate succession may retain title for not  
29 more than one year, but actual possession of these items  
30 at any time is punishable pursuant to Section 12021,  
31 12021.1, or 12101 of this code or Section 8100 or 8103 of the  
32 Welfare and Institutions Code. Within the year the  
33 person shall transfer title to the firearms or ammunition  
34 by sale, gift, or other disposition. Any person who violates  
35 this paragraph is in violation of subdivision (a).

36 (8) Any other weapon as defined in subsection (e) of  
37 Section 5845 of Title 26 of the United States Code and  
38 which is in the possession of a person permitted to possess  
39 the weapons pursuant to the federal Gun Control Act of  
40 1968 (Public Law 90-618), as amended, and the

1 regulations issued pursuant thereto. Any person  
2 prohibited by Section 12021, 12021.1, or 12101 of this code  
3 or Section 8100 or 8103 of the Welfare and Institutions  
4 Code from possessing these weapons who obtains title to  
5 these weapons by bequest or intestate succession may  
6 retain title for not more than one year, but actual  
7 possession of these weapons at any time is punishable  
8 pursuant to Section 12021, 12021.1, or 12101 of this code or  
9 Section 8100 or 8103 of the Welfare and Institutions Code.  
10 Within the year, the person shall transfer title to the  
11 weapons by sale, gift, or other disposition. Any person  
12 who violates this paragraph is in violation of subdivision  
13 (a). The exemption provided in this subdivision does not  
14 apply to pen guns.

15 (9) Instruments or devices that are possessed by  
16 federal, state, and local historical societies, museums, and  
17 institutional collections which are open to the public,  
18 provided that these instruments or devices are properly  
19 housed, secured from unauthorized handling, and, if the  
20 instrument or device is a firearm, unloaded.

21 (10) Instruments or devices, other than short-barreled  
22 shotguns or short-barreled rifles, that are possessed or  
23 utilized during the course of a motion picture, television,  
24 or video production or entertainment event by an  
25 authorized participant therein in the course of making  
26 that production or event or by an authorized employee  
27 or agent of the entity producing that production or event.

28 (11) Instruments or devices, other than short-barreled  
29 shotguns or short-barreled rifles, that are sold by,  
30 manufactured by, exposed or kept for sale by, possessed  
31 by, imported by, or lent by persons who are in the  
32 business of selling instruments or devices listed in  
33 subdivision (a) solely to the entities referred in  
34 paragraphs (9) and (10) when engaging in transactions  
35 with those entities.

36 (12) The sale to, possession of, or purchase of any  
37 weapon, device, or ammunition, other than a  
38 short-barreled rifle or short-barreled shotgun, by any  
39 federal, state, county, city and county, or city agency that  
40 is charged with the enforcement of any law for use in the



1 discharge of their official duties, or the possession of any  
2 weapon, device, or ammunition, other than a  
3 short-barreled rifle or short-barreled shotgun, by peace  
4 officers thereof when on duty and the use is authorized  
5 by the agency and is within the course and scope of their  
6 duties.

7 (13) Weapons, devices, and ammunition, other than a  
8 short-barreled rifle or short-barreled shotgun, that are  
9 sold by, manufactured by, exposed, or kept for sale by,  
10 possessed by, imported by, or lent by, persons who are in  
11 the business of selling weapons, devices, and ammunition  
12 listed in subdivision (a) solely to the entities referred to  
13 in paragraph (12) when engaging in transactions with  
14 those entities.

15 (14) The manufacture for, sale to, exposing or keeping  
16 for sale to, importation of, or lending of wooden clubs or  
17 batons to special police officers or uniformed security  
18 guards authorized to carry any wooden club or baton  
19 pursuant to Section 12002 by entities that are in the  
20 business of selling wooden batons or clubs to special police  
21 officers and uniformed security guards when engaging in  
22 transactions with those persons.

23 (15) Any instrument, ammunition, weapon, or device  
24 listed in subdivision (a), other than a short-barreled rifle  
25 or short-barreled shotgun, that is found and possessed by  
26 a person who is not prohibited from possessing firearms  
27 or ammunition pursuant to Section 12021, 12021.1, or  
28 paragraph (1) of subdivision (b) of Section 12316 of this  
29 code or Section 8100 or 8103 of the Welfare and  
30 Institutions Code and is transporting the listed item to a  
31 law enforcement agency for disposition according to law.

32 (16) The possession of any weapon, device, or  
33 ammunition, by a forensic laboratory or any authorized  
34 agent or employee thereof in the course and scope of his  
35 or her authorized activities.

36 (17) A dirk or dagger that is carried in a backpack, tool  
37 belt, tackle box, briefcase, purse, or similar container that  
38 is used to carry or transport possessions.

39 (c) (1) As used in this section, a “short-barreled  
40 shotgun” means any of the following:

1 (A) A firearm which is designed or redesigned to fire  
2 a fixed shotgun shell and having a barrel or barrels of less  
3 than 18 inches in length.

4 (B) A firearm which has an overall length of less than  
5 26 inches and which is designed or redesigned to fire a  
6 fixed shotgun shell.

7 (C) Any weapon made from a shotgun (whether by  
8 alteration, modification, or otherwise) if that weapon, as  
9 modified, has an overall length of less than 26 inches or a  
10 barrel or barrels of less than 18 inches in length.

11 (D) Any device which may be readily restored to fire  
12 a fixed shotgun shell which, when so restored, is a device  
13 defined in subparagraphs (A) to (C), inclusive.

14 (E) Any part, or combination of parts, designed and  
15 intended to convert a device into a device defined in  
16 subparagraphs (A) to (C), inclusive, or any combination  
17 of parts from which a device defined in subparagraphs  
18 (A) to (C), inclusive, can be readily assembled if those  
19 parts are in the possession or under the control of the  
20 same person.

21 (2) As used in this section, a “short-barreled rifle”  
22 means any of the following:

23 (A) A rifle having a barrel or barrels of less than 16  
24 inches in length.

25 (B) A rifle with an overall length of less than 26 inches.

26 (C) Any weapon made from a rifle (whether by  
27 alteration, modification, or otherwise) if that weapon as  
28 modified has an overall length of less than 26 inches or a  
29 barrel or barrels of less than 16 inches in length.

30 (D) Any device which may be readily restored to fire  
31 a fixed cartridge which, when so restored, is a device  
32 defined in subparagraphs (A) to (C), inclusive.

33 (E) Any part, or combination of parts, designed and  
34 intended to convert a device into a device defined in  
35 subparagraphs (A) to (C), inclusive, or any combination  
36 of parts from which a device defined in subparagraphs  
37 (A) to (C), inclusive, may be readily assembled if those  
38 parts are in the possession or under the control of the  
39 same person.





1 (3) As used in this section, a “nunchaku” means an  
2 instrument consisting of two or more sticks, clubs, bars or  
3 rods to be used as handles, connected by a rope, cord,  
4 wire, or chain, in the design of a weapon used in  
5 connection with the practice of a system of self-defense  
6 such as karate.

7 (4) As used in this section, a “wallet gun” means any  
8 firearm mounted or enclosed in a case, resembling a  
9 wallet, designed to be or capable of being carried in a  
10 pocket or purse, if the firearm may be fired while  
11 mounted or enclosed in the case.

12 (5) As used in this section, a “cane gun” means any  
13 firearm mounted or enclosed in a stick, staff, rod, crutch,  
14 or similar device, designed to be, or capable of being used  
15 as, an aid in walking, if the firearm may be fired while  
16 mounted or enclosed therein.

17 (6) As used in this section, a “fléchette dart” means a  
18 dart, capable of being fired from a firearm, which  
19 measures approximately one inch in length, with tail fins  
20 which take up five-sixteenths of an inch of the body.

21 (7) As used in this section, “metal knuckles” means  
22 any device or instrument made wholly or partially of  
23 metal which is worn for purposes of offense or defense in  
24 or on the hand and which either protects the wearer’s  
25 hand while striking a blow or increases the force of impact  
26 from the blow or injury to the individual receiving the  
27 blow. The metal contained in the device may help  
28 support the hand or fist, provide a shield to protect it, or  
29 consist of projections or studs which would contact the  
30 individual receiving a blow.

31 (8) As used in this section, a “ballistic knife” means a  
32 device that propels a knifelike blade as a projectile by  
33 means of a coil spring, elastic material, or compressed gas.  
34 Ballistic knife does not include any device which propels  
35 an arrow or a bolt by means of any common bow,  
36 compound bow, crossbow, or underwater spear gun.

37 (9) As used in this section, a “camouflaging firearm  
38 container” means a container which meets all of the  
39 following criteria:

40 (A) It is designed and intended to enclose a firearm.

1 (B) It is designed and intended to allow the firing of  
2 the enclosed firearm by external controls while the  
3 firearm is in the container.

4 (C) It is not readily recognizable as containing a  
5 firearm.

6 “Camouflaging firearm container” does not include  
7 any camouflaging covering used while engaged in lawful  
8 hunting or while going to or returning from a lawful  
9 hunting expedition.

10 (10) As used in this section, a “zip gun” means any  
11 weapon or device which meets all of the following  
12 criteria:

13 (A) It was not imported as a firearm by an importer  
14 licensed pursuant to Chapter 44 (commencing with  
15 Section 921) of Title 18 of the United States Code and the  
16 regulations issued pursuant thereto.

17 (B) It was not originally designed to be a firearm by a  
18 manufacturer licensed pursuant to Chapter 44  
19 (commencing with Section 921) of Title 18 of the United  
20 States Code and the regulations issued pursuant thereto.

21 (C) No tax was paid on the weapon or device nor was  
22 an exemption from paying tax on that weapon or device  
23 granted under Section 4181 and subchapters F  
24 (commencing with Section 4216) and G (commencing  
25 with Section 4221) of Chapter 32 of Title 26 of the United  
26 States Code, as amended, and the regulations issued  
27 pursuant thereto.

28 (D) It is made or altered to expel a projectile by the  
29 force of an explosion or other form of combustion.

30 (11) As used in this section, a “shuriken” means any  
31 instrument, without handles, consisting of a metal plate  
32 having three or more radiating points with one or more  
33 sharp edges and designed in the shape of a polygon,  
34 trefoil, cross, star, diamond, or other geometric shape for  
35 use as a weapon for throwing.

36 (12) As used in this section, an “unconventional pistol”  
37 means a firearm that does not have a rifled bore and has  
38 a barrel or barrels of less than 18 inches in length or has  
39 an overall length of less than 26 inches.



(13) As used in this section, a “belt buckle knife” is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least 2<sup>1</sup>/<sub>2</sub> inches.

(14) As used in this section, a “lipstick case knife” means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a “cane sword” means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.

(16) As used in this section, a “shobi-zue” means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a “leaded cane” means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.

(18) As used in this section, an “air gauge knife” means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

(19) As used in this section, a “writing pen knife” means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(21) As used in this section, a “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth

1 bore either a number of projectiles (ball shot) or a single  
2 projectile for each pull of the trigger.

3 (22) As used in this section, an “undetectable firearm”  
4 means any weapon which meets one of the following  
5 requirements:

6 (A) When, after removal of grips, stocks, and  
7 magazines, it is not as detectable as the Security  
8 Exemplar, by walk-through metal detectors calibrated  
9 and operated to detect the Security Exemplar.

10 (B) When any major component of which, when  
11 subjected to inspection by the types of X-ray machines  
12 commonly used at airports, does not generate an image  
13 that accurately depicts the shape of the component.  
14 Barium sulfate or other compounds may be used in the  
15 fabrication of the component.

16 (C) For purposes of this paragraph, the terms  
17 “firearm,” “major component,” and “Security Exemplar”  
18 have the same meanings as those terms are defined in  
19 Section 922 of Title 18 of the United States Code.

20 All firearm detection equipment newly installed in  
21 nonfederal public buildings in this state shall be of a type  
22 identified by either the United States Attorney General,  
23 the Secretary of Transportation, or the Secretary of the  
24 Treasury, as appropriate, as available state-of-the-art  
25 equipment capable of detecting an undetectable firearm,  
26 as defined, while distinguishing innocuous metal objects  
27 likely to be carried on one’s person sufficient for  
28 reasonable passage of the public.

29 (23) As used in this section, a “multiburst trigger  
30 activator” means one of the following devices:

31 (A) A device designed or redesigned to be attached to  
32 a semiautomatic firearm which allows the firearm to  
33 discharge two or more shots in a burst by activating the  
34 device.

35 (B) A manual or power-driven trigger activating  
36 device constructed and designed so that when attached  
37 to a semiautomatic firearm it increases the rate of fire of  
38 that firearm.

39 (24) As used in this section, a “dirk” or “dagger” means  
40 a knife or other instrument with or without a handguard

1 that is capable of ready use as a stabbing weapon that may  
2 inflict great bodily injury or death. A nonlocking folding  
3 knife, a folding knife that is not prohibited by Section  
4 653k, or a pocketknife is capable of ready use as a stabbing  
5 weapon that may inflict great bodily injury or death only  
6 if the blade of the knife is exposed and locked into  
7 position.

8 (d) Knives carried in sheaths which are worn openly  
9 suspended from the waist of the wearer are not concealed  
10 within the meaning of this section.

11 SEC. 2. Section 12021 of the Penal Code is amended  
12 to read:

13 12021. (a) (1) Any person who has been convicted  
14 of a felony under the laws of the United States, of the State  
15 of California, or any other state, government, or country,  
16 or of an offense enumerated in subdivision (a), (b), or (d)  
17 of Section 12001.6, or who is addicted to the use of any  
18 narcotic drug, who owns or has in his or her possession or  
19 under his or her custody or control any firearm is guilty  
20 of a felony.

21 (2) Any person who has two or more convictions for  
22 violating paragraph (2) of subdivision (a) of Section 417  
23 and who owns or has in his or her possession or under his  
24 or her custody or control any firearm is guilty of a felony.

25 (b) Notwithstanding subdivision (a), any person who  
26 has been convicted of a felony or of an offense  
27 enumerated in Section 12001.6, when that conviction  
28 results from certification by the juvenile court for  
29 prosecution as an adult in an adult court under Section  
30 707 of the Welfare and Institutions Code, who owns or has  
31 in his or her possession or under his or her custody or  
32 control any firearm is guilty of a felony.

33 (c) (1) Except as provided in subdivision (a) or  
34 paragraph (2) of this subdivision, any person who has  
35 been convicted of a misdemeanor violation of Section 71,  
36 76, 136.5, or 140, subdivision (d) of Section 148, Section  
37 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5,  
38 246, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 626.9,  
39 646.9, 12023, or 12024, subdivision (b) or (d) of Section  
40 12034, Section 12040, subdivision (b) of Section 12072,

1 subdivision (a) of former Section 12100, Section 12220,  
2 12320, or 12590, or Section 8100, 8101, or 8103 of the  
3 Welfare and Institutions Code, any firearm-related  
4 offense pursuant to Sections 871.5 and 1001.5 of the  
5 Welfare and Institutions Code, or of the conduct  
6 punished in paragraph (3) of subdivision (g) of Section  
7 12072, and who, within 10 years of the conviction, owns,  
8 or has in his or her possession or under his or her custody  
9 or control, any firearm is guilty of a public offense, which  
10 shall be punishable by imprisonment in a county jail not  
11 exceeding one year or in the state prison, by a fine not  
12 exceeding one thousand dollars (\$1,000), or by both that  
13 imprisonment and fine. The court, on forms prescribed  
14 by the Department of Justice, shall notify the department  
15 of persons subject to this subdivision. However, the  
16 prohibition in this paragraph may be reduced,  
17 eliminated, or conditioned as provided in paragraph (2)  
18 or (3).

19 (2) Any person employed as a peace officer described  
20 in Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5  
21 whose employment or livelihood is dependent on the  
22 ability to legally possess a firearm, who is subject to the  
23 prohibition imposed by this subdivision because of a  
24 conviction under Section 273.5, 273.6, or 646.9, may  
25 petition the court only once for relief from this  
26 prohibition. The petition shall be filed with the court in  
27 which the petitioner was sentenced. If possible, the  
28 matter shall be heard before the same judge that  
29 sentenced the petitioner. Upon filing the petition, the  
30 clerk of the court shall set the hearing date and shall  
31 notify the petitioner and the prosecuting attorney of the  
32 date of the hearing. Upon making each of the following  
33 findings, the court may reduce or eliminate the  
34 prohibition, impose conditions on reduction or  
35 elimination of the prohibition, or otherwise grant relief  
36 from the prohibition as the court deems appropriate:

37 (A) Finds by a preponderance of the evidence that the  
38 petitioner is likely to use a firearm in a safe and lawful  
39 manner.

1 (B) Finds that the petitioner is not within a prohibited  
2 class as specified in subdivision (a), (b), (d), (e), or (g)  
3 or Section 12021.1, and the court is not presented with any  
4 credible evidence that the petitioner is a person  
5 described in Section 8100 or 8103 of the Welfare and  
6 Institutions Code.

7 (C) Finds that the petitioner does not have a previous  
8 conviction under this subdivision no matter when the  
9 prior conviction occurred.

10 In making its decision, the court shall consider the  
11 petitioner's continued employment, the interest of  
12 justice, any relevant evidence, and the totality of the  
13 circumstances. The court shall require, as a condition of  
14 granting relief from the prohibition under this section,  
15 that the petitioner agree to participate in counseling as  
16 deemed appropriate by the court. Relief from the  
17 prohibition shall not relieve any other person or entity  
18 from any liability that might otherwise be imposed. It is  
19 the intent of the Legislature that courts exercise broad  
20 discretion in fashioning appropriate relief under this  
21 paragraph in cases in which relief is warranted. However,  
22 nothing in this paragraph shall be construed to require  
23 courts to grant relief to any particular petitioner. It is the  
24 intent of the Legislature to permit persons who were  
25 convicted of an offense specified in Section 273.5, 273.6,  
26 or 646.9 to seek relief from the prohibition imposed by this  
27 subdivision.

28 (3) Any person who is subject to the prohibition  
29 imposed by this subdivision because of a conviction of an  
30 offense prior to that offense being added to paragraph  
31 (1), may petition the court only once for relief from this  
32 prohibition. The petition shall be filed with the court in  
33 which the petitioner was sentenced. If possible, the  
34 matter shall be heard before the same judge that  
35 sentenced the petitioner. Upon filing the petition, the  
36 clerk of the court shall set the hearing date and notify the  
37 petitioner and the prosecuting attorney of the date of the  
38 hearing. Upon making each of the following findings, the  
39 court may reduce or eliminate the prohibition, impose  
40 conditions on reduction or elimination of the prohibition,

1 or otherwise grant relief from the prohibition as the court  
2 deems appropriate:

3 (A) Finds by a preponderance of the evidence that the  
4 petitioner is likely to use a firearm in a safe and lawful  
5 manner.

6 (B) Finds that the petitioner is not within a prohibited  
7 class as specified in subdivision (a), (b), (d), (e), or (g)  
8 or Section 12021.1, and the court is not presented with any  
9 credible evidence that the petitioner is a person  
10 described in Section 8100 or 8103 of the Welfare and  
11 Institutions Code.

12 (C) Finds that the petitioner does not have a previous  
13 conviction under this subdivision, no matter when the  
14 prior conviction occurred.

15 In making its decision, the court may consider the  
16 interest of justice, any relevant evidence, and the totality  
17 of the circumstances. It is the intent of the Legislature  
18 that courts exercise broad discretion in fashioning  
19 appropriate relief under this paragraph in cases in which  
20 relief is warranted. However, nothing in this paragraph  
21 shall be construed to require courts to grant relief to any  
22 particular petitioner.

23 (4) Law enforcement officials who enforce the  
24 prohibition specified in this subdivision against a person  
25 who has been granted relief pursuant to paragraph (2) or  
26 (3), shall be immune from any liability for false arrest  
27 arising from the enforcement of this subdivision unless  
28 the person has in his or her possession a certified copy of  
29 the court order that granted the person relief from the  
30 prohibition. This immunity from liability shall not relieve  
31 any person or entity from any other liability that might  
32 otherwise be imposed.

33 (d) Any person who, as an express condition of  
34 probation, is prohibited or restricted from owning,  
35 possessing, controlling, receiving, or purchasing a firearm  
36 and who owns, or has in his or her possession or under his  
37 or her custody or control, any firearm but who is not  
38 subject to subdivision (a) or (c) is guilty of a public  
39 offense, which shall be punishable by imprisonment in a  
40 county jail not exceeding one year or in the state prison,



1 by a fine not exceeding one thousand dollars (\$1,000), or  
2 by both that imprisonment and fine. The court, on forms  
3 provided by the Department of Justice, shall notify the  
4 department of persons subject to this subdivision. The  
5 notice shall include a copy of the order of probation and  
6 a copy of any minute order or abstract reflecting the  
7 order and conditions of probation.

8 (e) Any person who (1) is alleged to have committed  
9 an offense listed in subdivision (b) of Section 707 of the  
10 Welfare and Institutions Code, an offense described in  
11 subdivision (b) of Section 1203.073, or any offense  
12 enumerated in paragraph (1) of subdivision (c), (2) is  
13 found to be a fit and proper subject to be dealt with under  
14 the juvenile court law, and (3) is subsequently adjudged  
15 a ward of the juvenile court within the meaning of Section  
16 602 of the Welfare and Institutions Code because the  
17 person committed an offense listed in subdivision (b) of  
18 Section 707 of the Welfare and Institutions Code, an  
19 offense described in subdivision (b) of Section 1203.073,  
20 or any offense enumerated in paragraph (1) of  
21 subdivision (c) shall not own, or have in his or her  
22 possession or under his or her custody or control, any  
23 firearm until the age of 30 years. A violation of this  
24 subdivision shall be punishable by imprisonment in a  
25 county jail not exceeding one year or in the state prison,  
26 by a fine not exceeding one thousand dollars (\$1,000), or  
27 by both that imprisonment and fine. The juvenile court,  
28 on forms prescribed by the Department of Justice, shall  
29 notify the department of persons subject to this  
30 subdivision. Notwithstanding any other law, the forms  
31 required to be submitted to the department pursuant to  
32 this subdivision may be used to determine eligibility to  
33 acquire a firearm.

34 (f) Subdivision (a) shall not apply to a person who has  
35 been convicted of a felony under the laws of the United  
36 States unless either of the following criteria is satisfied:

37 (1) Conviction of a like offense under California law  
38 can only result in imposition of felony punishment.

39 (2) The defendant was sentenced to a federal  
40 correctional facility for more than 30 days, or received a

1 fine of more than one thousand dollars (\$1,000), or  
2 received both punishments.

3 (g) Every person who purchases or receives, or  
4 attempts to purchase or receive, a firearm knowing that  
5 he or she is subject to a protective order as defined in  
6 Section 6218 of the Family Code, or a temporary  
7 restraining order or injunction issued pursuant to Section  
8 527.6 or 527.8 of the Code of Civil Procedure, is guilty of  
9 a public offense, which shall be punishable by  
10 imprisonment in a county jail not exceeding one year or  
11 in the state prison, by a fine not exceeding one thousand  
12 dollars (\$1,000), or by both that imprisonment and fine.  
13 This subdivision does not apply unless the copy of the  
14 restraining order personally served on the person against  
15 whom the restraining order is issued contains a notice in  
16 bold print stating (1) that the person is prohibited from  
17 purchasing or receiving or attempting to purchase or  
18 receive a firearm and (2) specifying the penalties for  
19 violating this subdivision, or a court has provided actual  
20 verbal notice of the firearm prohibition and penalty as  
21 provided in Section 6304 of the Family Code. However,  
22 this subdivision does not apply if the firearm is received  
23 as part of the disposition of community property pursuant  
24 to Division 7 (commencing with Section 2500) of the  
25 Family Code.

26 (h) (1) A violation of subdivision (a), (b), (c), (d), or  
27 (e) is justifiable where all of the following conditions are  
28 met:

29 (A) The person found the firearm or took the firearm  
30 from a person who was committing a crime against him  
31 or her.

32 (B) The person possessed the firearm no longer than  
33 was necessary to deliver or transport the firearm to a law  
34 enforcement agency for that agency's disposition  
35 according to law.

36 (C) If the firearm was transported to a law  
37 enforcement agency, it was transported in accordance  
38 with paragraph (18) of subdivision (a) of Section 12026.2.

39 (2) Upon the trial for violating subdivision (a), (b),  
40 (c), (d), or (e), the trier of fact shall determine whether

1 the defendant was acting within the provisions of the  
2 exemption created by this subdivision.

3 (3) The defendant has the burden of proving by a  
4 preponderance of the evidence that he or she comes  
5 within the provisions of the exemption created by this  
6 subdivision.

7 SEC. 3. Section 12026.2 of the Penal Code is amended  
8 to read:

9 12026.2. (a) Section 12025 does not apply to, or affect,  
10 any of the following:

11 (1) The possession of a firearm by an authorized  
12 participant in a motion picture, television, or video  
13 production or entertainment event when the participant  
14 lawfully uses the firearm as part of that production or  
15 event or while going directly to, or coming directly from,  
16 that production or event.

17 (2) The possession of a firearm in a locked container by  
18 a member of any club or organization, organized for the  
19 purpose of lawfully collecting and lawfully displaying  
20 pistols, revolvers, or other firearms, while the member is  
21 at meetings of the clubs or organizations or while going  
22 directly to, and coming directly from, those meetings.

23 (3) The transportation of a firearm by a participant  
24 when going directly to, or coming directly from, a  
25 recognized safety or hunter safety class, or a recognized  
26 sporting event involving that firearm.

27 (4) The transportation of a firearm by a person listed  
28 in Section 12026 directly between any of the places  
29 mentioned in Section 12026.

30 (5) The transportation of a firearm by a person when  
31 going directly to, or coming directly from, a fixed place  
32 of business or private residential property for the purpose  
33 of the lawful repair or the lawful transfer, sale, or loan of  
34 that firearm.

35 (6) The transportation of a firearm by a person listed  
36 in Section 12026 when going directly from the place  
37 where that person lawfully received that firearm to that  
38 person's place of residence or place of business or to  
39 private property owned or lawfully possessed by that  
40 person.

1 (7) The transportation of a firearm by a person when  
2 going directly to, or coming directly from, a gun show,  
3 swap meet, or similar event to which the public is invited,  
4 for the purpose of displaying that firearm in a lawful  
5 manner.

6 (8) The transportation of a firearm by an authorized  
7 employee or agent of a supplier of firearms when going  
8 directly to, or coming directly from, a motion picture,  
9 television, or video production or entertainment event  
10 for the purpose of providing that firearm to an authorized  
11 participant to lawfully use as a part of that production or  
12 event.

13 (9) The transportation of a firearm by a person when  
14 going directly to, or coming directly from, a target range,  
15 which holds a regulatory or business license, for the  
16 purposes of practicing shooting at targets with that  
17 firearm at that target range.

18 (10) The transportation of a firearm by a person when  
19 going directly to, or coming directly from, a place  
20 designated by a person authorized to issue licenses  
21 pursuant to Section 12050 when done at the request of the  
22 issuing agency so that the issuing agency can determine  
23 whether or not a license should be issued to that person  
24 to carry that firearm.

25 (11) The transportation of a firearm by a person when  
26 going directly to, or coming directly from, a law  
27 enforcement agency for the purpose of a lawful transfer,  
28 sale, or loan of that firearm pursuant to Section 12084.

29 (12) The transportation of a firearm by a person when  
30 going directly to, or coming directly from, a lawful  
31 camping activity for the purpose of having that firearm  
32 available for lawful personal protection while at the  
33 lawful campsite. This paragraph shall not be construed to  
34 override the statutory authority granted to the  
35 Department of Parks and Recreation or any other state  
36 or local governmental agencies to promulgate rules and  
37 regulations governing the administration of parks and  
38 campgrounds.



1 (13) The transportation of a firearm by a person in  
2 order to comply with subdivision (c) or (i) of Section  
3 12078 as it pertains to that firearm.

4 (14) The transportation of a firearm by a person in  
5 order to utilize subdivision (l) of Section 12078 as it  
6 pertains to that firearm.

7 (15) The transportation of a firearm by a person when  
8 going directly to, or coming directly from, a gun show or  
9 event, as defined in Section 178.100 of Title 27 of the Code  
10 of Federal Regulations, for the purpose of lawfully  
11 transferring, selling, or loaning that firearm in  
12 accordance with subdivision (d) of Section 12072.

13 (16) The transportation of a firearm by a person in  
14 order to utilize paragraph (3) of subdivision (a) of  
15 Section 12078 as it pertains to that firearm.

16 (17) The transportation of a firearm by a person who  
17 finds the firearm in order to comply with Article 1  
18 (commencing with Section 2080) of Chapter 4 of Division  
19 3 of the Civil Code as it pertains to that firearm.

20 (18) The transportation of a firearm by a person who  
21 finds the firearm and is transporting it to a law  
22 enforcement agency for disposition according to law.

23 (b) In order for a firearm to be exempted under  
24 subdivision (a), while being transported to or from a  
25 place, the firearm shall be unloaded, kept in a locked  
26 container, as defined in subdivision (d), and the course of  
27 travel shall include only those deviations between  
28 authorized locations as are reasonably necessary under  
29 the circumstances.

30 (c) This section does not prohibit or limit the  
31 otherwise lawful carrying or transportation of any pistol,  
32 revolver, or other firearm capable of being concealed  
33 upon the person in accordance with this chapter.

34 (d) As used in this section, “locked container” means  
35 a secure container which is fully enclosed and locked by  
36 a padlock, key lock, combination lock, or similar locking  
37 device. The term “locked container” does not include the  
38 utility or glove compartment of a motor vehicle.

39 SEC. 4. *Section 12076 of the Penal Code is amended*  
40 *to read:*

1 12076. (a) (1) Before January 1, 1998, the  
2 department shall determine the method by which a  
3 dealer shall submit firearm purchaser information to the  
4 department and the information shall be in one of the  
5 following formats:

6 (A) Submission of the register described in Section  
7 12077.

8 (B) Electronic or telephonic transfer of the  
9 information contained in the register described in  
10 Section 12077.

11 (2) On or after January 1, 1998, electronic or  
12 telephonic transfer, including voice or facsimile  
13 transmission, shall be the exclusive means by which  
14 purchaser information is transmitted to the department.

15 (b) (1) Where the register is used, the purchaser of  
16 any firearm shall be required to present clear evidence of  
17 his or her identity and age, as defined in Section 12071, to  
18 the dealer, and the dealer shall require him or her to sign  
19 his or her current legal name and affix his or her residence  
20 address and date of birth to the register in quadruplicate.  
21 The salesperson shall affix his or her signature to the  
22 register in quadruplicate as a witness to the signature and  
23 identification of the purchaser. Any person furnishing a  
24 fictitious name or address or knowingly furnishing any  
25 incorrect information or knowingly omitting any  
26 information required to be provided for the register and  
27 any person violating any provision of this section is guilty  
28 of a misdemeanor.

29 (2) The original of the register shall be retained by the  
30 dealer in consecutive order. Each book of 50 originals  
31 shall become the permanent register of transactions that  
32 shall be retained for not less than three years from the  
33 date of the last transaction and shall be available for the  
34 inspection of any peace officer, Department of Justice  
35 employee designated by the Attorney General, or agent  
36 of the federal Bureau of Alcohol, Tobacco, and Firearms  
37 upon the presentation of proper identification, but no  
38 information shall be compiled therefrom regarding the  
39 purchasers or other transferees of firearms that are not

1 pistols, revolvers, or other firearms capable of being  
2 concealed upon the person.

3 (3) Two copies of the original sheet of the register, on  
4 the date of the application to purchase, shall be placed in  
5 the mail, postage prepaid, and properly addressed to the  
6 Department of Justice in Sacramento.

7 (4) If requested, a photocopy of the original shall be  
8 provided to the purchaser by the dealer.

9 (5) If the transaction is one conducted pursuant to  
10 Section 12082, a photocopy of the original shall be  
11 provided to the seller by the dealer, upon request.

12 (c) (1) Where the electronic or telephonic transfer of  
13 applicant information is used, the purchaser shall be  
14 required to present clear evidence of his or her identity  
15 and age, as defined in Section 12071, to the dealer, and the  
16 dealer shall require him or her to sign his or her current  
17 legal name to the record of electronic or telephonic  
18 transfer. The salesperson shall affix his or her signature to  
19 the record of electronic or telephonic transfer as a witness  
20 to the signature and identification of the purchaser. Any  
21 person furnishing a factitious name or address or  
22 knowingly furnishing any incorrect information or  
23 knowingly omitting any information required to be  
24 provided for the electronic or telephonic transfer and any  
25 person violating any provision of this section is guilty of  
26 a misdemeanor.

27 (2) The record of applicant information shall be  
28 transmitted to the Department of Justice in Sacramento  
29 by electronic or telephonic transfer on the date of the  
30 application to purchase.

31 (3) The original of each record of electronic or  
32 telephonic transfer shall be retained by the dealer in  
33 consecutive order. Each original shall become the  
34 permanent record of the transaction that shall be  
35 retained for not less than three years from the date of the  
36 last transaction and shall be provided for the inspection  
37 of any peace officer, Department of Justice employee  
38 designated by the Attorney General, or agent of the  
39 federal Bureau of Alcohol, Tobacco, and Firearms, upon  
40 the presentation of proper identification, but no

1 information shall be compiled therefrom regarding the  
2 purchasers or other transferees of firearms that are not  
3 pistols, revolvers, or other firearms capable of being  
4 concealed upon the person.

5 (4) If requested, a copy of the record of electronic or  
6 telephonic transfer shall be provided to the purchaser by  
7 the dealer.

8 (5) If the transaction is one conducted pursuant to  
9 Section 12082, a copy shall be provided to the seller by the  
10 dealer, upon request.

11 (d) (1) The department shall examine its records, as  
12 well as those records that it is authorized to request from  
13 the State Department of Mental Health pursuant to  
14 Section 8104 of the Welfare and Institutions Code, in  
15 order to determine if the purchaser is a person described  
16 in Section 12021 or 12021.1 of this code or Section 8100 or  
17 8103 of the Welfare and Institutions Code.

18 (2) If the department determines that the purchaser  
19 is a person described in Section 12021 or 12021.1 of this  
20 code or Section 8100 or 8103 of the Welfare and  
21 Institutions Code, it shall immediately notify the dealer  
22 and the chief of the police department of the city or  
23 county in which the sale was made, or if the sale was made  
24 in a district in which there is no municipal police  
25 department, the sheriff of the county in which the sale  
26 was made, of that fact.

27 (3) If the department determines that the copies of  
28 the register submitted to it pursuant to paragraph (3) of  
29 subdivision (b) contain any blank spaces or inaccurate,  
30 illegible, or incomplete information, preventing  
31 identification of the purchaser or the pistol, revolver, or  
32 other firearm to be purchased, or if any fee required  
33 pursuant to subdivision (e) is not submitted by the dealer  
34 in conjunction with submission of copies of the register,  
35 the department may notify the dealer of that fact. Upon  
36 notification by the department, the dealer shall submit  
37 corrected copies of the register to the department, or  
38 shall submit any fee required pursuant to subdivision (e),  
39 or both, as appropriate and, if notification by the  
40 department is received by the dealer at any time prior to



1 delivery of the firearm to be purchased, the dealer shall  
2 withhold delivery until the conclusion of the waiting  
3 period described in Sections 12071 and 12072.

4 (4) If the department determines that the information  
5 transmitted to it pursuant to subdivision (c) contains  
6 inaccurate or incomplete information preventing  
7 identification of the purchaser or the pistol, revolver, or  
8 other firearm capable of being concealed upon the  
9 person to be purchased, or if the fee required pursuant to  
10 subdivision (e) is not transmitted by the dealer in  
11 conjunction with transmission of the electronic or  
12 telephonic record, the department may notify the dealer  
13 of that fact. Upon notification by the department, the  
14 dealer shall transmit corrections to the record of  
15 electronic or telephonic transfer to the department, or  
16 shall transmit any fee required pursuant to subdivision  
17 (e), or both, as appropriate, and if notification by the  
18 department is received by the dealer at any time prior to  
19 delivery of the firearm to be purchased, the dealer shall  
20 withhold delivery until the conclusion of the waiting  
21 period described in Sections 12071 and 12072.

22 (e) The Department of Justice may charge the dealer  
23 a fee not to exceed fourteen dollars (\$14), except that the  
24 fee may be increased at a rate not to exceed any increase  
25 in the California Consumer Price Index as compiled and  
26 reported by the California Department of Industrial  
27 Relations. The fee shall be no more than is sufficient to  
28 reimburse all of the following, and is not to be used to  
29 directly fund or as a loan to fund any other program:

30 (1) (A) The department for the cost of furnishing this  
31 information.

32 (B) The department for the cost of meeting its  
33 obligations under paragraph (2) of subdivision (b) of  
34 Section 8100 of the Welfare and Institutions Code.

35 (2) Local mental health facilities for state-mandated  
36 local costs resulting from the reporting requirements  
37 imposed by the amendments to Section 8103 of the  
38 Welfare and Institutions Code, ~~made by the act which also~~  
39 ~~added this paragraph.~~

1 (3) The State Department of Mental Health for the  
2 costs resulting from the requirements imposed by the  
3 amendments to Section 8104 of the Welfare and  
4 Institutions Code ~~made by the act which also added this~~  
5 ~~paragraph.~~

6 (4) Local mental hospitals, sanitariums, and  
7 institutions for state-mandated local costs resulting from  
8 the reporting requirements imposed by Section 8105 of  
9 the Welfare and Institutions Code.

10 (5) Local law enforcement agencies for  
11 state-mandated local costs resulting from the notification  
12 requirements set forth in subdivision (a) of Section 6385  
13 of the Family Code.

14 (6) Local law enforcement agencies for  
15 state-mandated local costs resulting from the notification  
16 requirements set forth in subdivision (c) of Section 8105  
17 of the Welfare and Institutions Code.

18 (7) For the actual costs associated with the electronic  
19 or telephonic transfer of information pursuant to  
20 subdivision (c).

21 The fee established pursuant to this subdivision shall  
22 not exceed the sum of the actual processing costs of the  
23 department, the estimated reasonable costs of the local  
24 mental health facilities for complying with the reporting  
25 requirements imposed by ~~the act which added~~ paragraph  
26 (2) ~~to~~ of this subdivision, the costs of the State  
27 Department of Mental Health for complying with the  
28 requirements imposed by ~~the act which added~~ paragraph  
29 (3) ~~to~~ of this subdivision, the estimated reasonable costs  
30 of local mental hospitals, sanitariums, and institutions for  
31 complying with the reporting requirements imposed by  
32 ~~the act which added~~ paragraph (4) ~~to~~ of this subdivision,  
33 the estimated reasonable costs of local law enforcement  
34 agencies for complying with the notification  
35 requirements set forth in subdivision (a) of Section 6385  
36 of the Family Code, and the estimated reasonable costs of  
37 local law enforcement agencies for complying with the  
38 notification requirements set forth in subdivision (c) of  
39 Section 8105 of the Welfare and Institutions Code ~~created~~

1 *imposed by the act which added* paragraph (6) ~~to~~ *of this*  
2 *subdivision.*

3 (f) (1) The Department of Justice may charge a fee  
4 sufficient to reimburse it for each of the following but not  
5 to exceed fourteen dollars (\$14), except that the fee may  
6 be increased at a rate not to exceed any increase in the  
7 California Consumer Price Index as compiled and  
8 reported by the California Department of Industrial  
9 Relations:

10 (A) For the actual costs associated with the  
11 preparation, sale, processing, and filing of forms or  
12 reports required or utilized pursuant to Section 12078 if  
13 neither a dealer nor a law enforcement agency acting  
14 pursuant to Section 12084 is filing the form or report.

15 (B) For the actual processing costs associated with the  
16 submission of a Dealers' Record of Sale to the department  
17 by a dealer or of the submission of a LEFT to the  
18 department by a law enforcement agency acting  
19 pursuant to Section 12084 if the waiting period described  
20 in Sections 12071, 12072, and 12084 does not apply.

21 (C) For the actual costs associated with the  
22 preparation, sale, processing, and filing of reports utilized  
23 pursuant to subdivision (l) of Section 12078 or paragraph  
24 (18) of subdivision (b) of Section 12071.

25 (D) For the actual costs associated with the electronic  
26 or telephonic transfer of information pursuant to  
27 subdivision (c).

28 (2) If the department charges a fee pursuant to  
29 subparagraph (B) of paragraph (1) of this subdivision, it  
30 shall be charged in the same amount to all categories of  
31 transaction that are within that subparagraph.

32 (3) Any costs incurred by the Department of Justice to  
33 implement this subdivision shall be reimbursed from fees  
34 collected and charged pursuant to this subdivision. No  
35 fees shall be charged to the dealer pursuant to subdivision  
36 (e) or to a law enforcement agency acting pursuant to  
37 paragraph (6) of subdivision (d) of Section 12084 for costs  
38 incurred for implementing this subdivision.

39 (g) All money received by the department pursuant to  
40 this section shall be deposited in the Dealers' Record of

1 Sale Special Account of the General Fund, which is  
2 hereby created, to be available, upon appropriation by  
3 the Legislature, for expenditure by the department to  
4 offset the costs incurred pursuant to this section and  
5 Sections 12289 and 12809.

6 (h) Where the electronic or telephonic transfer of  
7 applicant information is used, the department shall  
8 establish a system to be used for the submission of the fees  
9 described in subdivision (e) to the department.

10 (i) (1) Only one fee shall be charged pursuant to this  
11 section for a single transaction on the same date for the  
12 sale of any number of firearms that are not pistols,  
13 revolvers, or other firearms capable of being concealed  
14 upon the person or for the taking of possession of those  
15 firearms.

16 (2) In a single transaction on the same date for the  
17 delivery of any number of firearms that are pistols,  
18 revolvers, or other firearms capable of being concealed  
19 upon the person, the department shall charge a reduced  
20 fee pursuant to this section for the second and subsequent  
21 firearms that are part of that transaction.

22 (j) Only one fee shall be charged pursuant to this  
23 section for a single transaction on the same date for taking  
24 title or possession of any number of firearms pursuant to  
25 paragraph (18) of subdivision (b) of Section 12071 or  
26 subdivision (c) or (i) of Section 12078.

27 (k) Whenever the Department of Justice acts  
28 pursuant to this section as it pertains to firearms other  
29 than pistols, revolvers, or other firearms capable of being  
30 concealed upon the person, the department's acts or  
31 omissions shall be deemed to be discretionary within the  
32 meaning of the California Tort Claims Act pursuant to  
33 Division 3.6 (commencing with Section 810) of Title 1 of  
34 the Government Code.

35 (l) As used in this section, the following definitions  
36 apply:

37 (1) "Purchaser" means the purchaser or transferee of  
38 a firearm or a person being loaned a firearm.

39 (2) "Purchase" means the purchase, loan, or transfer  
40 of a firearm.

1 (3) “Sale” means the sale, loan, or transfer of a firearm.

2 (4) “Seller” means, if the transaction is being  
3 conducted pursuant to Section 12082, the person selling,  
4 loaning, or transferring the firearm.

5 *SEC. 5. Section 12092 of the Penal Code is amended*  
6 *to read:*

7 12092. The Department of Justice upon request may  
8 assign a distinguishing number or mark of identification  
9 to any ~~pistol or revolver~~ *firearm* whenever it is without  
10 a manufacturer’s number, or other mark of identification  
11 or whenever the manufacturer’s number or other mark  
12 of identification or the distinguishing number or mark  
13 assigned by the department has been destroyed or  
14 obliterated.

15 *SEC. 6. Section 12094 of the Penal Code is amended*  
16 *to read:*

17 12094. (a) Any person with knowledge of any  
18 change, alteration, removal, or obliteration described  
19 herein, who buys, receives, disposes of, sells, offers for  
20 sale, or has in his possession any pistol, revolver, or other  
21 firearm which has had the name of the maker, model, or  
22 the manufacturer’s number ~~of~~ *or* other mark of  
23 identification including any distinguishing number or  
24 mark assigned by the Department of Justice changed,  
25 altered, removed, or obliterated is guilty of a  
26 misdemeanor.

27 (b) *Subdivision (a) does not apply to any of the*  
28 *following:*

29 (1) *The acquisition or possession of a firearm*  
30 *described in subdivision (a) by any member of the*  
31 *military forces of the this state or of the United States,*  
32 *while on duty and acting within the scope and course of*  
33 *his or her employment.*

34 (2) *The acquisition or possession of a firearm*  
35 *described in subdivision (a) by any peace officer*  
36 *described in Chapter 4.5 (commencing with Section 830)*  
37 *of Title 3 of Part 2, while on duty and acting within the*  
38 *scope and course of his or her employment.*

39 (3) *The acquisition or possession of a firearm*  
40 *described in subdivision (a) by any employee of a forensic*

1 laboratory, while on duty and acting within the scope and  
2 course of his or her employment.

3 (4) The possession and disposition of a firearm  
4 described in subdivision (a) by a person who is not  
5 prohibited from possessing firearms or ammunition  
6 pursuant to Section 12021, 12021.1, or paragraph (1) of  
7 subdivision (b) of Section 12316 of this code, or Section  
8 8100 or 8103 of the Welfare and Institutions Code if he or  
9 she is transporting and transferring the firearm to a law  
10 enforcement agency for that agency's disposition  
11 according to law.

12 SEC. 7. Section 12201 of the Penal Code is amended  
13 to read:

14 12201. Nothing in this chapter shall affect or apply to  
15 any of the following:

16 (a) The sale to, purchase by, or possession of  
17 machineguns by police departments, sheriffs' offices,  
18 marshals' offices, district attorneys' offices, the California  
19 Highway Patrol, the Department of Justice, the  
20 Department of Corrections for use by the department's  
21 Special Emergency Response Teams and Law  
22 Enforcement Liaison/Investigations Unit, or the military  
23 or naval forces of this state or of the United States for use  
24 in the discharge of their official duties.

25 (b) The possession of machineguns by regular,  
26 salaried, full-time peace officer members of a police  
27 department, sheriff's office, marshal's office, district  
28 attorney's office, the California Highway Patrol, the  
29 Department of Justice, or the Department of Corrections  
30 for use by the department's Special Emergency Response  
31 Teams and Law Enforcement Liaison/Investigations  
32 Unit when on duty and if the use is within the scope of  
33 their duties.

34 ~~SEC. 5.—~~

35 SEC. 8. Section 12316 of the Penal Code is amended  
36 to read:

37 12316. (a) Any person, corporation, or dealer who  
38 sells ammunition or reloaded ammunition to a person  
39 knowing that person to be a minor under 18 years of age  
40 shall be punished by imprisonment in a county jail for a

1 term not to exceed six months, or by a fine not to exceed  
2 one thousand dollars (\$1,000), or by both the  
3 imprisonment and fine.

4 Proof that a person, corporation, or dealer, or his or her  
5 agent or employee, demanded, was shown, and acted in  
6 reliance upon, bona fide evidence of majority and  
7 identity shall be a defense to any criminal prosecution  
8 under this subdivision. As used in this subdivision, “bona  
9 fide evidence of majority and identity” means a  
10 document issued by a federal, state, county, or municipal  
11 government, or subdivision or agency thereof, including,  
12 but not limited to, a motor vehicle operator’s license,  
13 California state identification card, identification card  
14 issued to a member of the armed forces, or other form of  
15 identification that bears the name, date of birth,  
16 description, and picture of the person.

17 (b) (1) No person prohibited from owning or  
18 possessing a firearm under Section 12021 or 12021.1 of this  
19 code or Section 8100 or 8103 of the Welfare and  
20 Institutions Code shall own, possess, or have under his or  
21 her custody or control, any ammunition or reloaded  
22 ammunition.

23 (2) For purposes of this subdivision, “ammunition”  
24 shall include, but not be limited to, any bullet, cartridge,  
25 magazine, clip, speed loader, autoloader, or projectile  
26 capable of being fired from a firearm with a deadly  
27 consequence.

28 (3) A violation of this subdivision is punishable by  
29 imprisonment in a county jail not to exceed one year or  
30 in the state prison, by a fine not to exceed one thousand  
31 dollars (\$1,000), or by both the fine and imprisonment.

32 (c) Unless it is with the written permission of the  
33 school district superintendent, his or her designee, or  
34 equivalent school authority, no person shall carry  
35 ammunition or reloaded ammunition onto school  
36 grounds, except sworn law enforcement officers acting  
37 within the scope of their duties or persons exempted  
38 under subparagraph (A) of paragraph (1) of subdivision  
39 (a) of Section 12027. This subdivision shall not apply to a  
40 duly appointed peace officer as defined in Chapter 4.5

1 (commencing with Section 830) of Title 3 of Part 2, a  
2 full-time paid peace officer of another state or the federal  
3 government who is carrying out official duties while in  
4 California, any person summoned by any of these officers  
5 to assist in making an arrest or preserving the peace while  
6 he or she is actually engaged in assisting the officer, a  
7 member of the military forces of this state or of the United  
8 States who is engaged in the performance of his or her  
9 duties, a person holding a valid license to carry the  
10 firearm pursuant to Article 3 (commencing with Section  
11 12050) of Chapter 1 of Title 2 of Part 4, or an armored  
12 vehicle guard, who is engaged in the performance of his  
13 or her duties, as defined in subdivision (e) of Section 7521  
14 of the Business and Professions Code. A violation of this  
15 subdivision is punishable by imprisonment in a county jail  
16 for a term not to exceed six months, a fine not to exceed  
17 one thousand dollars (\$1,000), or both the imprisonment  
18 and fine.

19 *(d) (1) A violation of paragraph (1) of subdivision (b)*  
20 *is justifiable where all of the following conditions are met:*

21 *(A) The person found the ammunition or reloaded*  
22 *ammunition or took the ammunition or reloaded*  
23 *ammunition from a person who was committing a crime*  
24 *against him or her.*

25 *(B) The person possessed the ammunition or reloaded*  
26 *ammunition no longer than was necessary to deliver or*  
27 *transport the ammunition or reloaded ammunition to a*  
28 *law enforcement agency for that agency's disposition*  
29 *according to law.*

30 *(C) The person is prohibited from possessing any*  
31 *ammunition or reloaded ammunition solely because that*  
32 *person is prohibited from owning or possessing a firearm*  
33 *only by virtue of Section 12021.*

34 *(2) Upon the trial for violating paragraph (1) of*  
35 *subdivision (b), the trier of fact shall determine whether*  
36 *the defendant is subject to the exemption created by this*  
37 *subdivision.*

38 *(3) The defendant has the burden of proving by a*  
39 *preponderance of the evidence that he or she is subject*  
40 *to the exemption provided by this subdivision.*





1     *SEC. 9.* Section 12322 of the Penal Code is amended  
2 to read:

3     12322. Nothing in this chapter shall apply to or affect  
4 either of the following:

5     (a) The sale to, purchase by, possession of, or use of any  
6 ammunition by any member of the Army, Navy, Air  
7 Force, or Marine Corps of the United States, or the  
8 National Guard, while on duty and acting within the  
9 scope and course of his or her employment, or any police  
10 agency or forensic laboratory or any person who is the  
11 holder of a valid permit issued pursuant to Section 12305.

12     (b) The possession of handgun ammunition designed  
13 primarily to penetrate metal or armor by a person who  
14 found the ammunition, if he or she is not prohibited from  
15 possessing firearms or ammunition pursuant to Section  
16 12021, 12021.1, or paragraph (1) of subdivision (b) of  
17 Section 12316 of this code or Section 8100 or 8103 of the  
18 Welfare and Institutions Code and is transporting the  
19 ammunition to a law enforcement agency for disposition  
20 according to law.

21     *SEC. 10. Section 8103 of the Welfare and Institutions*  
22 *Code is amended to read:*

23     8103. (a) (1) No person who after October 1, 1955,  
24 has been adjudicated by a court of any state to be a danger  
25 to others as a result of a mental disorder or mental illness,  
26 or who has been adjudicated to be a mentally disordered  
27 sex offender, shall purchase or receive, or attempt to  
28 purchase or receive, or have in his or her possession,  
29 custody, or control any firearm or any other deadly  
30 weapon unless there has been issued to the person a  
31 certificate by the court of adjudication upon release from  
32 treatment or at a later date stating that the person may  
33 possess a firearm or any other deadly weapon without  
34 endangering others, and the person has not, subsequent  
35 to the issuance of the certificate, again been adjudicated  
36 by a court to be a danger to others as a result of a mental  
37 disorder or mental illness.

38     (2) The court shall immediately notify the  
39 Department of Justice of the court order finding the  
40 individual to be a person described in paragraph (1). The

1 court shall also notify the Department of Justice of any  
2 certificate issued as described in paragraph (1).

3 (b) (1) No person who has been found, pursuant to  
4 Section 1026 of the Penal Code or the law of any other  
5 state or the United States, not guilty by reason of insanity  
6 of murder, mayhem, a violation of Section 207, 209, or  
7 209.5 of the Penal Code in which the victim suffers  
8 intentionally inflicted great bodily injury, carjacking or  
9 robbery in which the victim suffers great bodily injury, a  
10 violation of Section 451 or 452 of the Penal Code involving  
11 a trailer coach, as defined in Section 635 of the Vehicle  
12 Code, or any dwelling house, a violation of paragraph (1)  
13 or (2) of subdivision (a) of Section 262 or paragraph (2)  
14 or (3) of subdivision (a) of Section 261 of the Penal Code,  
15 a violation of Section 459 of the Penal Code in the first  
16 degree, assault with intent to commit murder, a violation  
17 of Section 220 of the Penal Code in which the victim  
18 suffers great bodily injury, a violation of Section 12303.1,  
19 12303.2, 12303.3, 12308, 12309, or 12310 of the Penal Code,  
20 or of a felony involving death, great bodily injury, or an  
21 act which poses a serious threat of bodily harm to another  
22 person, or a violation of the law of any other state or the  
23 United States that includes all the elements of any of the  
24 above felonies as defined under California law, shall  
25 purchase or receive, or attempt to purchase or receive, or  
26 have in his or her possession or under his or her custody  
27 or control any firearm or any other deadly weapon.

28 (2) The court shall immediately notify the  
29 Department of Justice of the court order finding the  
30 person to be a person described in paragraph (1).

31 (c) (1) No person who has been found, pursuant to  
32 Section 1026 of the Penal Code or the law of any other  
33 state or the United States, not guilty by reason of insanity  
34 of any crime other than those described in subdivision (b)  
35 shall purchase or receive, or attempt to purchase or  
36 receive, or shall have in his or her possession, custody, or  
37 control any firearm or any other deadly weapon unless  
38 the court of commitment has found the person to have  
39 recovered sanity, pursuant to Section 1026.2 of the Penal  
40 Code or the law of any other state or the United States.



1 (2) The court shall immediately notify the  
2 Department of Justice of the court order finding the  
3 person to be a person described in paragraph (1). The  
4 court shall also notify the Department of Justice when it  
5 finds that the person has recovered his or her sanity.

6 (d) (1) No person found by a court to be mentally  
7 incompetent to stand trial, pursuant to Section 1370 or  
8 1370.1 of the Penal Code or the law of any other state or  
9 the United States, shall purchase or receive, or attempt to  
10 purchase or receive, or shall have in his or her possession,  
11 custody, or control any firearm or any other deadly  
12 weapon, unless there has been a finding with respect to  
13 the person of restoration to competence to stand trial by  
14 the committing court, pursuant to Section 1372 of the  
15 Penal Code or the law of any other state or the United  
16 States.

17 (2) The court shall immediately notify the  
18 Department of Justice of the court order finding the  
19 person to be mentally incompetent as described in  
20 paragraph (1). The court shall also notify the Department  
21 of Justice when it finds that the person has recovered his  
22 or her competence.

23 (e) (1) No person who has been placed under  
24 conservatorship by a court, pursuant to Section 5350 or  
25 the law of any other state or the United States, because  
26 the person is gravely disabled as a result of a mental  
27 disorder or impairment by chronic alcoholism shall  
28 purchase or receive, or attempt to purchase or receive, or  
29 shall have in his or her possession, custody, or control any  
30 firearm or any other deadly weapon while under the  
31 conservatorship if, at the time the conservatorship was  
32 ordered or thereafter, the court which imposed the  
33 conservatorship found that possession of a firearm or any  
34 other deadly weapon by the person would present a  
35 danger to the safety of the person or to others. Upon  
36 placing any person under conservatorship, and  
37 prohibiting firearm or any other deadly weapon  
38 possession by the person, the court shall notify the person  
39 of this prohibition.

1 (2) The court shall immediately notify the  
2 Department of Justice of the court order placing the  
3 person under conservatorship and prohibiting firearm or  
4 any other deadly weapon possession by the person as  
5 described in paragraph (1). The notice shall include the  
6 date the conservatorship was imposed and the date the  
7 conservatorship is to be terminated. If the  
8 conservatorship is subsequently terminated before the  
9 date listed in the notice to the Department of Justice or  
10 the court subsequently finds that possession of a firearm  
11 or any other deadly weapon by the person would no  
12 longer present a danger to the safety of the person or  
13 others, the court shall immediately notify the  
14 Department of Justice.

15 (3) All information provided to the Department of  
16 Justice pursuant to paragraph (2) shall be kept  
17 confidential, separate, and apart from all other records  
18 maintained by the department, and shall be used only to  
19 determine eligibility to purchase or possess firearms or  
20 other deadly weapons. Any person who knowingly  
21 furnishes that information for any other purpose is guilty  
22 of a misdemeanor. All the information concerning any  
23 person shall be destroyed upon receipt by the  
24 Department of Justice of notice of the termination of  
25 conservatorship as to that person pursuant to paragraph  
26 (2).

27 (f) (1) No person who has been ~~(A) taken into~~  
28 ~~custody as provided in Section 5150 because that person~~  
29 ~~is a danger to himself, herself, or to others, (B) assessed~~  
30 ~~within the meaning of Section 5151, and (C) admitted to~~  
31 ~~a designated facility within the meaning of Sections 5151~~  
32 ~~and 5152 because that person is a danger to himself,~~  
33 ~~herself, or others, certified for intensive treatment under~~  
34 *Section 5250, 5260, or 5270.15* shall own, possess, control,  
35 receive, or purchase, or attempt to own, possess, control,  
36 receive, or purchase any firearm for a period of five years  
37 ~~after the person is released from the facility.~~ A person  
38 described in the preceding sentence, however, may own,  
39 possess, control, receive, or purchase, or attempt to own,  
40 possess, control, receive, or purchase any firearm if the

1 superior court has, pursuant to paragraph (4), upon  
2 petition of the person, found, by a preponderance of the  
3 evidence, that the person is likely to use firearms in a safe  
4 and lawful manner. *Any person who meets the criteria*  
5 *contained in subdivision (e) who is released from*  
6 *intensive treatment shall nevertheless remain subject to*  
7 *the prohibition contained in subdivision (e).*

8 (2) (A) For each person subject to this subdivision,  
9 the facility shall immediately, on the date of ~~admission~~  
10 *certification*, submit a report to the Department of  
11 Justice, on a form prescribed by the department,  
12 containing information that includes, but is not limited to,  
13 the identity of the person and the legal grounds upon  
14 which the person was ~~admitted to the facility~~ *certified*.  
15 *Additionally, all facilities shall report to the Department*  
16 *of Justice upon the discharge of persons for whom reports*  
17 *have been submitted pursuant to this subdivision.*  
18 *However, a report shall not be filed pursuant to this*  
19 *subdivision for persons who are discharged within 31 days*  
20 *after the date of admission.*

21 (B) Any report prescribed by this subdivision shall be  
22 confidential, except for purposes of the court proceedings  
23 described in this subdivision and for determining the  
24 eligibility of the person to own, possess, control, receive,  
25 or purchase a firearm.

26 (3) Prior to, or concurrent with, the discharge, the  
27 facility shall inform a person subject to this subdivision  
28 that he or she is prohibited from owning, possessing,  
29 controlling, receiving, or purchasing any firearm for a  
30 period of five years. Simultaneously, the facility shall  
31 inform the person that he or she may petition a court, as  
32 provided in this subdivision, for an order permitting the  
33 person to own, possess, control, receive, or purchase a  
34 firearm.

35 (4) Any person who is subject to paragraph (1) may  
36 petition the superior court of his or her county of  
37 residence for an order that he or she may own, possess,  
38 control, receive, or purchase firearms. At the time the  
39 petition is filed, the clerk of the court shall set a hearing  
40 date and notify the person, the Department of Justice,

1 and the district attorney. The People of the State of  
2 California shall be the respondent in the proceeding and  
3 shall be represented by the district attorney. Upon  
4 motion of the district attorney, or on its own motion, the  
5 superior court may transfer the petition to the county in  
6 which the person resided at the time of his or her  
7 detention, the county in which the person was detained,  
8 or the county in which the person was evaluated or  
9 treated. Within seven days after receiving notice of the  
10 petition, the Department of Justice shall file copies of the  
11 reports described in this section with the superior court.  
12 The reports shall be disclosed upon request to the person  
13 and to the district attorney. The district attorney shall be  
14 entitled to a continuance of the hearing to a date of not  
15 less than 14 days after the district attorney was notified of  
16 the hearing date by the clerk of the court. The district  
17 attorney may notify the county mental health director of  
18 the petition who shall provide information about the  
19 detention of the person that may be relevant to the court  
20 and shall file that information with the superior court.  
21 That information shall be disclosed to the person and to  
22 the district attorney. The court, upon motion of the  
23 person subject to paragraph (1) establishing that  
24 confidential information is likely to be discussed during  
25 the hearing that would cause harm to the person, shall  
26 conduct the hearing in camera with only the relevant  
27 parties present, unless the court finds that the public  
28 interest would be better served by conducting the  
29 hearing in public. Notwithstanding any other law,  
30 declarations, police reports, including criminal history  
31 information, and any other material and relevant  
32 evidence that is not excluded under Section 352 of the  
33 Evidence Code, shall be admissible at the hearing under  
34 this section. If the court finds by a preponderance of the  
35 evidence that the person would be likely to use firearms  
36 in a safe and lawful manner, the court may order that the  
37 person may own, control, receive, possess, or purchase  
38 firearms. A copy of the order shall be submitted to the  
39 Department of Justice. Upon receipt of the order, the  
40 Department of Justice shall delete any reference to the



1 prohibition against firearms from the person's state  
2 summary criminal history information.

3 (5) Nothing in this subdivision shall prohibit the use of  
4 reports filed pursuant to this section to determine the  
5 eligibility of persons to own, possess, control, receive, or  
6 purchase a firearm if the person is the subject of a  
7 criminal investigation, a part of which involves the  
8 ownership, possession, control, receipt, or purchase of a  
9 firearm.

10 ~~(g) (1) No person who has been certified for intensive~~  
11 ~~treatment under Section 5250, 5260, or 5270.15 shall own,~~  
12 ~~possess, control, receive, or purchase, or attempt to own,~~  
13 ~~possess, control, receive, or purchase any firearm for a~~  
14 ~~period of five years.~~

15 ~~Any person who meets the criteria contained in~~  
16 ~~subdivision (e) or (f) who is released from intensive~~  
17 ~~treatment shall nevertheless, if applicable, remain~~  
18 ~~subject to the prohibition contained in subdivision (e) or~~  
19 ~~(f).~~

20 ~~(2) For each person certified for intensive treatment~~  
21 ~~under paragraph (1), the facility shall immediately~~  
22 ~~submit a report to the Department of Justice, on a form~~  
23 ~~prescribed by the department, containing information~~  
24 ~~regarding the person, including, but not limited to, the~~  
25 ~~legal identity of the person and the legal grounds upon~~  
26 ~~which the person was certified. Any report submitted~~  
27 ~~pursuant to this paragraph shall only be used for the~~  
28 ~~purposes specified in paragraph (2) of subdivision (f).~~

29 ~~(3) Prior to, or concurrent with, the discharge of each~~  
30 ~~person certified for intensive treatment under paragraph~~  
31 ~~(1), the facility shall inform the person of that~~  
32 ~~information specified in paragraph (3) of subdivision (f).~~

33 ~~(4) Any person who is subject to the prohibition~~  
34 ~~contained in paragraph (1) may fully invoke paragraph~~  
35 ~~(4) of subdivision (f).~~

36 ~~(h) For all persons identified in subdivisions (f) and~~  
37 ~~(g), facilities shall report to the Department of Justice as~~  
38 ~~specified in those subdivisions, except facilities shall not~~  
39 ~~report persons under subdivision (g) if the same persons~~  
40 ~~previously have been reported under subdivision (f).~~

~~1 Additionally, all facilities shall report to the~~  
~~2 Department of Justice upon the discharge of persons~~  
~~3 from whom reports have been submitted pursuant to~~  
~~4 subdivision (f) or (g). However, a report shall not be filed~~  
~~5 for persons who are discharged within 31 days after the~~  
~~6 date of admission.~~

~~7 (i)~~ Every person who owns or possesses or has under  
8 his or her custody or control, or purchases or receives, or  
9 attempts to purchase or receive, any firearm or any other  
10 deadly weapon in violation of this section shall be  
11 punished by imprisonment in the state prison or in a  
12 county jail for not more than one year.

~~13 (j)~~  
14 (h) “Deadly weapon,” as used in this section, has the  
15 meaning prescribed by Section 8100.

16 *SEC. 11. It is the intent of the Legislature, in enacting*  
17 *the amendments to Section 12076 of the Penal Code and*  
18 *Section 8103 of the Welfare and Institutions Code made*  
19 *by this act, to comply with the decision of the Superior*  
20 *Court of the State of California in and for the County of*  
21 *Sacramento in Dayacamos v. Department of Justice, Case*  
22 *No. 96 CS 01471.*

